

HOW VOLUNTARY SCHOOLS CAN WORK WITH TRUST SCHOOLS

Background

The Schools White Paper “Higher Standards Better Schools for All” published in November 2005 highlighted the importance of schools working together and the benefits that can bring. By working collaboratively schools can share best practice, pool resources and offer a wider range of opportunities to both children and staff.

There are many ways in which schools can work collaboratively, depending on what they want to achieve and their individual circumstances. For example, many schools work as part of an informal collaboration such as a soft federation or a 14 – 19 partnership, others have a shared governing body through a hard federation. Voluntary schools can work with other schools as part of these collaborative arrangements.

Another option is for schools to choose to keep their own governing body but establish a single Trust to support a number of schools helping to link those schools together in a more formal, longer term sustainable relationship. Voluntary schools are in a slightly different position as they already have their own foundation or Trust.

Voluntary schools and their foundations

Foundations of schools exist to hold land for the school and to appoint governors to the governing bodies. The majority of voluntary schools are closely linked with their existing foundations. These foundations usually provided the school’s premises from private sources and still hold these on trust. For the majority of voluntary schools which are faith schools, the foundation is also integral to the schools’ religious character. There would therefore be considerable complications if these schools were to lose their current foundations. They would very often find themselves without land or premises and lose their distinctive ethos.

For these reasons, no school can have more than one foundation appointing governors to it and holding its land and assets and it would not therefore be possible for a voluntary school to come under a second Trust which appointed governors to a number of different foundation schools.

However, voluntary schools can continue to work collaboratively with Trust schools as described above and in addition there are a number of ways in which they can collaborate on a more formal basis with Trust schools without losing their relationship with their existing foundation.

1. The existing foundation (or trustees) of the VA / VC school act as the Trust for a number of Trust schools

The Trust or foundation of a Voluntary school might be well placed to act as the Trust for a number of other schools as well. Many foundations will already meet the requirements on Trusts in the Education and Inspections Act and accompanying regulations but others may need to reconstitute if they are legally able to do so to ensure that:

- The objects or purposes of the Trust are exclusively charitable;
- That the Trust’s charitable objects include the advancement of education of the pupils of the school(s);
- The Trust meets the legal requirement to promote community cohesion;

- The Trust is an incorporated charity.

In reconstituting itself the foundation may also choose to bring in other external partners at this stage, perhaps to reflect the changing needs of the local schools.

School A was established by its foundation, a local charity. It has a long standing local interest in the school and provided the school's land and buildings. School A is keen to work with 2 other schools in the area who are interested in acquiring a shared Trust focused on encouraging learning in the local community. The existing foundation is keen to extend its interest to other local schools and supports the aims of the proposed shared Trust. The trustees are therefore looking to re-constitute the foundation to meet the requirements of the Education and Inspections Act so that it can act as the Trust for all three schools.

In the case of Church schools, trustees of Church schools are unlikely to be empowered to act as trustees of non-Church schools, therefore the trustees of the voluntary school would need to establish a separate incorporated charity with the same members to act as the Trust for the Trust school(s). The new Trust would be set up in such a way that meets the requirements of Trusts in the Education and Inspections Act as described above. As no school can acquire, lose or change a religious character by acquiring a Trust, it would not alter any religious designations of the Trust schools.

School B is a small community primary, one of two primary schools in a small town. The other primary school (School C) is a voluntary aided Church of England school. School B wants the benefits of establishing a stronger partnership with the local diocese but without becoming a school with a religious character. The trustees of School C (the VA school) therefore intend to set up a new Trust for School B which has the same trustees as the existing trust for School C.

2. The foundation or trustees of the VA/VC school become members or trustees of a shared Trust

Where a school or group of schools wants to establish a separate Trust there are still ways of formalising the involvement of a voluntary school. The simplest is to invite the foundation for the voluntary school to nominate trustees to become members of the new Trust. This would allow other external partners e.g. HEIs, FE colleges businesses etc to also be members of the shared Trust.

School D is a voluntary aided school with a long established foundation – an educational charity with a range of interests in the locality. Three neighbouring schools (schools E, F and G) share the same trust – the Wider Entitlement Trust – whose primary aim is to provide a wider range of education opportunities for pupils aged 14-19. The Trust is made up of the local authority, a local FE college and a vocational learning provider. Schools E, F and G and their Trust are keen for School D to work formally with the Wider Entitlement Trust because it has particular expertise in delivering vocational qualifications in the locality. School D would also like to benefit from formalising the links with both the other schools and the partners. Therefore, the trustees of the Wider Entitlement Trust will invite School D to put forward a trustee to sit on the Wider Entitlement Trust.

3. The foundation/ trustees of the VA/VC school become members or trustees of a shared Trust (as above) but with reciprocal arrangements for giving the Trust some influence over the voluntary school

The voluntary school would be represented on the new Trust for the other schools as described above. But in addition, if the schools wanted a more reciprocal arrangement the new Trust could either nominate sponsor governors to the governing body of the voluntary school or the governing body could appoint associate members to represent the shared Trust.

The shared Trust nominates sponsor governors to the governing body of the voluntary school

Sponsor governors are an additional category of governor appointed by the governing body. If the governing body wants to appoint sponsor governors, it must seek nominations from the “sponsor(s)”. For these purposes sponsors are defined as persons who give substantial assistance to the school, financially or in kind, or who provide services to the school. These sponsor governors would be additional to the existing foundation governors.

The trustees of the voluntary school could not have more than 1/5 of the voting rights on the shared Trust if the Trust were also to nominate sponsor governors to the voluntary school¹.

The governing body of the voluntary school appoints “associate members” to represent the Trust

The definition of “associate member” is wide and pupils, school staff and people who want to contribute specifically on issues related to their area of expertise can be appointed as associate members. Associate members are not actually governors, and cannot vote as part of the governing body. However they may be useful in ensuring links and cooperative working between the voluntary school and the Trust schools.

Smalltown has 3 secondary schools (schools X, Y and Z) who work collaboratively to address local business needs. Schools X and Y are working with a large ICT firm on the development of a shared Trust with a view to strengthening their relationship with the firm as the major local employer. School Z is a voluntary aided school which also wants to benefit from the more formalised relationship with the large ICT firm. Therefore School Z will be invited to put forward a trustee to sit on the shared Trust.

School Z is also keen to benefit from the leadership input and external perspective of the ICT firm and to work more closely with them so will ask the shared Trust to nominate sponsor governors (who are employees of the ICT firm) to their governing body.

¹ This is because the Constitution Regulations will prevent persons entitled to appoint foundation governors and persons connected to any person entitled to appoint foundation governors from also appointing sponsor governors to the same school. This is to prevent one organisation from having undue influence on a governing body by the backdoor route of appointing sponsor governors in addition to foundation governors.